

IV. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 17-91 are pending in the application. Claims 17, 37, 44, 51, and 71 are independent.

The undersigned would like to thank Examiner Merek for the cordial and productive interview granted to Applicants' attorney Richard P. Bauer on April 23, 2003. The Examiner's helpful comments and suggestions were instrumental in preparing this response.

As discussed at the interview, Applicants have added new Claims 17-91 to afford themselves a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification and Drawings, and are believed to be allowable for the reasons to be developed below.

Claims 1-16 were rejected as being unpatentable over Miller, Stahl, and Loftus, for the reasons noted at pages 2-3 of the Office Action. Applicant respectfully traverses all art rejections.

As discussed at the interview, independent Claim 17 recites a novel combination of structure and/or function whereby a container has a pair of opposing walls projecting above the base, each of the walls presenting an exterior surface and having a receptacle defined within the exterior surface. Each of the

opposing walls includes a substantially horizontal upper edge, and at least one of said opposing walls has at least two notches provided in the substantially horizontal upper edge. A single-piece support member has two inwardly-turned ends, the single-piece support member extends beyond the exterior surfaces of the opposing walls, and each of the two inwardly-turned ends is pivotally mounted within the receptacles. In contrast, none of the cited art (taken individually or in combination) discloses such a combination including these features. With respect to Loftus' wall 20 in Figure 3, the wall 20 has an exterior surface defining a slot for receiving the bale. The wall 20 also includes an upper edge which defines notches. However, the upper edge defining these notches is not a substantially horizontal upper edge. In contrast, the notches of Claim 17 are defined in a substantially horizontal upper edge of a wall.

As also discussed at the interview, independent Claim 37 recites a novel combination of structure and/or function whereby a pair of opposing walls projects above the base, each of the walls presenting an exterior surface defining a receptacle. The receptacle comprises a downwardly-curved kidney-shaped slot having (i) a curved, concave-shaped top portion, and (ii) a bottom portion which has a middle section extending vertically above adjacent left and right side sections (see, for example, the embodiment of Fig. 7. At least one of the walls includes an upper edge, and at least

two notches provided in the upper edge. A support member is pivotally mounted within the receptacle of each of the walls to facilitate pivotal movement of the support member relative to each of the walls. In contrast none of the cited art (taken individually or in combination) discloses or suggests a combination including such a receptacle feature.

As also discussed at the interview, independent Claim 44 recites a novel combination of structure and/or function whereby a pair of opposing walls projects above the base, each of the walls presenting an exterior surface defining a downwardly-curved, kidney-shaped receptacle having a maximum horizontal width between opposing edges of the receptacle. At least one of the walls includes an upper edge, and at least two notches provided in the upper edge. A support member is pivotally mounted within the receptacle of each of the walls to facilitate pivotal movement of the support member relative to each of the walls. The support member has a diameter that is less than one half of the maximum horizontal width of the receptacle. Again, none of the cited art (taken individually or in combination) discloses or suggests a combination including such a receptacle feature.

As also discussed at the interview, independent Claim 51 recites a novel combination of structure and/or function whereby a pair of opposing walls projects above the base, each of the walls presenting an exterior surface. At least one of the walls includes

(i) a first sidewall portion defining a first upper edge having a first notch (for example, notch 48 in the Fig. 2 embodiment), and a second notch for example, notch 50 in the Fig. 2 embodiment) provided therein; and (ii) a second sidewall portion defining a second upper edge and including a third notch for example, notch 52 in the Fig. 2 embodiment) provided therein. The first sidewall portion is disposed between the first notch and the second notch, and the second sidewall portion is disposed between the second notch and the third notch. The first and second upper edges are disposed in substantially the same horizontal plane, and the third notch has a notch depth which is greater than the notch depth of either the first notch or the second notch. In contrast none of the cited art (taken individually or in combination) discloses or suggests a combination including such a configuration of notches and sidewall portions.


As also discussed at the interview, independent Claim 71 recites a novel combination of structure and/or function whereby a first sidewall portion defines a first upper edge disposed between a first notch and a second notch, and a second sidewall portion defines a second upper edge disposed between the second notch and a third notch. A first upper edge is substantially coplanar with a second upper edge, and the third notch has a greater notch depth than either of the first notch or the second notch. A kidney-shaped opening is disposed in the

exterior surfaces of each of lateral support means, each kidney-shaped opening having a concave-shaped upper portion and a convex-shaped lower portion, the convex-shaped lower portion having a middle section which extends vertically above adjacent left and right side sections. Again, none of the cited art (taken individually or in combination) discloses or suggests a combination including such sidewall, notch, and receptacle features.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' primary attorney, Richard P. Bauer, may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants
Registration No. 44,751

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061